



# Public Service Commission

## State of North Dakota

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August 15, 2013

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Mr. Keith Powers, Project Manager  
Iberdrola Renewables  
2 Radnor Corporate Center, Suite 200  
100 Matsonford Rd.  
Radnor, PA 19087

### **RE: Post Construction Inspections, Case Nos. PU-05-047 and PU-05-305 Rugby Wind Farm and Associated Transmission in Pierce County**

Dear Mr. Powers:

The North Dakota Public Service Commission retained a third-party vendor to conduct post construction inspections under the authority provided in the above referenced cases. Below we provide a weblink to the third-party post construction inspection reports for your review and a link to the Commission's orders in these proceedings. We also list actions recommended in the post construction inspection report for follow-up by the Company to confirm compliance with the Commission orders.

#### **Case No. PU-05-047**

As per the post construction inspection report, the following information should be provided:

- Iberdrola is required to submit a 10 year plan to the Commission annually under current laws and beginning every other year in 2014. To date, Iberdrola has not complied with this provision (NDCC 49-22-04)
- The FAA is to approve the lighting and marking of turbines prior to erection of a tower. No documentation of FAA notice or approval was found in the case file. Rugby Wind is to also file final construction as-built information with the FAA. No record is found of the notice of actual construction to the FAA (Order Point 5).
- Pierce County Zoning Regulations were established for wind generation facilities with turbines tower heights up to 300 feet. Three turbines were located within the 300 feet from a non-established road right-of-way. Rugby Wind should provide to the Commission a variance or obtain a variance from the County for these turbines (Order Point 5).
- No record was found in the case file that the USFWS was notified of construction during breeding season or that a biologist was on site during breeding season construction. Please provide documentation in compliance with Order Point 5.
- No record of utility permits for crossing State Highway 17 was found in the case file. Rugby Wind, LLC should provide copies of the utility highway crossing

permits to the Commission for the case file and install line marker signs at these highway crossings. (Order Point 5).

- No record of the Class III Cultural Resources Inventory was found in the case file. Rugby Wind, LLC should provide the Commission a summary of the Class III Cultural Resources Inventory (without including specific cultural site locations) and corresponding SHPO concurrence (Order Point 5).
- The Commission should be provided weekly progress reports for April/May 2010 final civil restoration as stated in the progress report of December 19, 2009 (Order Point 7).
- No record was found in the case file of the estimated decommissioning cost per turbine and a comprehensive decommissioning plan that describes how the facility or turbine owner or operator plans to pay for decommissioning. Rugby Wind, LLC should provide this information to the Commission (Order Point 15 and NDAC 69-09-09).
- UG Communication or collector lines trenches could cut through drain tile if installed in lower elevation areas. Rugby Wind, LLC should provide evidence or a letter of correspondence to the Commission that no drainage tile was found, broken or damaged (Order Point 18).
- No record was found in the case file of educational materials for landowners within the site boundaries about the proposed energy conversion facility, and any restriction or possible danger concerning the proposed energy conversion facility. Rugby should provide a copy of these materials as verification that they have educational informational materials available (Order Point 22).
- Iberdrola Renewables should provide a final report for the wind turbine generator G-1 rotor assembly failure on March 14, 2011 and a drawing of the hub to shaft assembly as stated in their testimony during the April 6th, 2011 hearing. (Order Point 24)
- Provide a copy of the written procedure or a description stating how complaints concerning the energy facility were handled or would have been handled if a complaint had occurred. (Order Point 25)
- Pierce County required the collection system to be underground. A 34.5 kV single circuit overhead transmission line within the wind farm. A copy of the variance to construct an overhead transmission collector line as part of this project should be provided to the Commission for its case file (Order Point 5)

The construction report can be found at:

<http://www.psc.nd.gov/database/documents/05-0047/162-010.pdf>

The Commission Order can be found at:

<http://www.psc.nd.gov/database/documents/05-0047/087-001.pdf>

### **Case No. PU-05-305**

As per the post construction inspection report, the following information should be provided:

- No record was found in the case file of the Class III Cultural Resources Inventory for the Rugby Wind Farm Transmission Line Project. No record was found of the letter of correspondence of September 6, 2005 from HDR Engineering, Inc.

about the transmission line corridor five areas inventoried for Cultural Resources or the formal report of those investigations and findings. Rugby Wind LLC (PPM) should provide the Commission a copy of these records for the case file. (Order Point 4)

- The transmission line crossed over Highway 2 just north of the Rugby Substation. A road crossing permit is required for this crossing. A copy of the Highway Crossing Permit should be filed to demonstrate compliance with Order Point 4.
- At the preconstruction meeting of May 19, 2009, Tim Seck of Iberdrola was to confirm that the ND PSC is in receipt of all other jurisdictional permits obtained for the project. No documentation was found in the case file that all permits were obtained for the project. Rugby Wind LLC (PPM) should provide confirmation that the ND PSC has receipt of all other jurisdictional permits. (Order Point 4)

The construction report can be found at:

<http://www.psc.nd.gov/database/documents/05-0305/128-010.pdf>

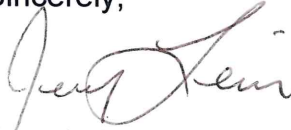
The Commission Order can be found at:

<http://www.psc.nd.gov/database/documents/05-0305/062-001.pdf>

Please forward your response to the recommended Company actions, confirming these activities are complete, and describe actions and timelines for activities that are not complete. Please provide this documentation within 30 days.

If you have any questions regarding this letter, please contact me at 701-328-1035.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerry Lein", with a stylized flourish at the end.

Jerry Lein  
Public Utility Analyst

C, [Sarah.Emery@iberdrolaren.com](mailto:Sarah.Emery@iberdrolaren.com)  
(electronic copy only)